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SUMMARY RECORD OF THE 57th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 21 April 1998, at 3 p.m.

Chairperson: Mr. SELEBI (South Africa)

CONTENTS

CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS RELATING TO ITEM 10 OF THE AGENDA (continued)

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GE.98-12460 (E)

The meeting was called to order at 3 p.m.

CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS RELATING TO ITEM 10 OF THE AGENDA (continued) (E/CN.4/1998/L.90, L.91, L.100, L.101, L.102, L.104 and L.105)

Draft resolution E/CN.4/1998/L.90 (Extrajudicial, summary or arbitrary executions)

1. Mr. ROMARE (Observer for Sweden) introduced the draft on behalf of its sponsors, who were joined by Cape Verde, Georgia, Guinea and Ukraine. Once again, the document strongly condemned all extrajudicial, summary or arbitrary executions, and demanded that all Governments ensure that such practices be brought to an end. It also called on the Governments of all States in which the death penalty had not been abolished to comply with their obligations under the relevant international instruments. The mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, who was commended for his major contribution, was extended for another three years.

2. Following lengthy consultations, the co-sponsors had finally agreed to change paragraph 6, inserting after the words "violations of the right to life", in the third line, the words "by extrajudicial, summary or arbitrary executions". In paragraph 17, the phrase "within the overall budgetary framework of the United Nations" was deleted, and the words "to continue" were added after "to enable him". In paragraph 22 of the draft decision, the phrase "within the overall budgetary framework of the United Nations" was also deleted and the words "to continue" were added after "to enable him" in the penultimate line.

3. The authors hoped that the consensus text, like the resolutions of previous sessions on the subject, would be adopted without a vote.

4. Mrs. KLEIN (Secretary of the Commission) said that extending the Special Rapporteur's mandate by three years would involve expenses totalling US$ 119,900 for the period 1998-1999, the funds for which were included in section 22 (Human rights) of the 1998-1999 biennial programme budget. Resources for the third year of the Special Rapporteur's mandate would be provided for in the draft programme budget for the 2000-2001 biennium.

5. Mrs. RUBIN (United States of America) said that her delegation was pleased it could join the consensus on the proposed text, on the understanding that the Special Rapporteur's mandate consisted primarily in investigating countries where extrajudicial, summary or arbitrary executions posed major problems, and perhaps secondarily in considering whether international standards were met in countries where capital punishment was in force, but without addressing the issue of abolition per se.

6. Although they had been disappointed by the report on their country, which left out extensive information provided to the Special Rapporteur about the effective protections in their legal system, the United States recognized that the Special Rapporteur had done an outstanding job in countries such as Bosnia and Rwanda, where he had been among the first to report on massive human rights abuses.

7. The United States had, moreover, played a prominent role in the establishment of the system of special rapporteurs, whose work often constituted a significant contribution in the field of human rights. For that reason, her delegation was prepared to renew the important mandate to which the draft resolution referred.

Draft resolution E/CN.4/1998/L.90, as amended, was adopted without a vote.

Draft resolution E/CN.4/1998/L.91 (The question of human rights in Afghanistan)

8. Following an exchange of views between Mrs. ZUPPETTI MARINI (Italy) and Mr. AKRAM (Pakistan), the CHAIRPERSON proposed that the authors and other interested delegations should hold consultations to reach a consensus.

Draft resolution E/CN.4/1998/L.100 (Situation of human rights in the Islamic Republic of Iran)

9. Mrs. GLOVER (United Kingdom), introducing the draft resolution on behalf of the member States of the European Union and all co-sponsors, said that the exhaustive attempts made to reach agreement on a text which would be acceptable to Iran had regrettably failed.

10. In the proposed draft, the Commission welcomed with satisfaction the commitment by the Government of Iran to encourage respect for human rights and the rule of law, and recognized improvements in the area of freedom of expression. Nonetheless, the draft reflected concern about the continuing human rights violations taking place in the country, particularly torture and other forms of cruel, inhuman or degrading treatment or punishment, including amputation, stoning and public executions, which continued to be applied for non-violent crimes and for apostasy, and the grave violations of the human rights of the Baha'i minority and women. Furthermore, nine years after the proclamation of the fatwa, the life of Mr. Salman Rushdie continued to be threatened and no written assurances of his safety had been obtained from the Government of Iran. Serious concerns remained over violence directed at Iranians living abroad. Finally, the Government of Iran was called upon to resume full cooperation with the machinery of the Commission, and particularly with its Special Representative. The Government was requested to allow the Special Representative access to the country, and to implement fully his recommendations, as well as those of the thematic rapporteurs.

11. The delegation of the United Kingdom hoped that the draft resolution, which reflected in a balanced way the situation in Iran and the action needed by the Iranian authorities, would be supported by all members of the Commission.

12. Mrs. KLEIN (Secretary of the Commission) announced that Japan and San Marino were joining the co-sponsors of the draft.

13. Mr. AKRAM (Pakistan) said that there had been positive developments in the human rights situation in Iran. Since taking office in August 1997, the new President had launched various initiatives to consolidate democratic institutions, to allow more active civil and political participation, to

strengthen the rule of law, to promote women's rights, to foster national mechanisms for the promotion and protection of human rights and to ensure freedom of expression.

14. Unfortunately, the draft resolution before the Commission emphasized certain isolated incidents. It was also too long, repetitive and factually inaccurate. Since no country or group of countries could claim to have created an ideal society free from human rights violations, if isolated incidents, rather than trends, were the criteria for resolutions on country situations, the list would undoubtedly be endless. The draft resolution did not therefore positively encourage the Government of Iran to promote and protect human rights.

15. The Commission's Special Representative on the situation of human rights in Iran had, moreover, stated in his presentation to the Commission that he hoped that the resolution it would adopt would avoid becoming bogged down in details and would reflect, indeed welcome, the prospect of substantial change which was clearly evident in that dynamic society. The draft resolution sent the wrong message, since it demonstrated to the Government of Iran that cooperation in the field of human rights did not pay, and it cast doubt on the credibility and integrity of human rights mechanisms, in particular that of the Commission.

16. Since the attempts supposedly made by the co-sponsors to reach a consensus had failed, several Islamic countries were proposing a number of changes to the draft resolution (contained in document E/CN.4/1998/L.105), in order to encourage the Government of Iran to pursue its positive developments. In application of article 52 of the rules of procedure of technical commissions of the Economic and Social Council, Pakistan therefore requested the Commission to delay its decision by 24 hours.

17. Mrs. GLOVER (United Kingdom) said that the member States of the European Union were always open to consultation, but noted that the delegation of Pakistan was presenting its amendments very late. In any event, given that the proposed changes upset the delicate balance of the original text, the United Kingdom could not subscribe to them and was opposed to the idea of delaying the decision.

18. Mr. BENJELLOUN TOUIMI (Morocco) endorsed the comments made by the representative of Pakistan. It appeared that the European countries showed very little perseverance in their efforts to reach a consensus, since amendments obviously had to be discussed if they were to be accepted. He felt that the attitude of those countries showed a measure of reluctance, which was particularly regrettable at the time of the celebrations for the fiftieth anniversary of the Universal Declaration of Human Rights. The text proposed by the member States of the European Union did admittedly refer to positive changes, but it remained overly oriented towards the past. Morocco supported the idea of delaying the Commission's decision by 24 hours, since the text as it stood was not likely to improve the situation in Iran.

19. Mr. de ICAZA (Mexico) pointed out that, contrary to the rules set down for the organization of work and the conduct of debates in the Commission (E/CN.4/1998/CRP.4), and to article 52 of the rules of procedure, the draft

resolution had been distributed only that same morning to members of the Commission, who had not necessarily had the time to consider it. They were therefore not in a position to express their views on the draft, and much less on the amendments, which had only just been presented and the texts of which had not yet been translated into all the official languages. Deploring the lack of transparency which had marked the presentation of the draft resolution, the Mexican delegation requested that the decision on it be delayed.

20. The CHAIRPERSON, referring to article 52 of the rules of procedure of technical commissions of the Economic and Social Council, given that the amendments were substantive and had been submitted late, proposed delaying the decision on draft resolution E/CN.4/1998/L.100 by 24 hours.

21. The Chairperson's proposal was adopted.

Draft resolution E/CN.4/1998/L.101 (The situation of human rights in Rwanda)

22. Mrs. DIALLO (Senegal), introducing the draft resolution on behalf of the sponsors, said that it was vitally important. Rwanda, which four years previously had been the scene of a genocide which it was now universally accepted could have been avoided, was doing its utmost to achieve successful reconstruction. The draft resolution therefore particularly drew the attention of the international community to the need to support that task. Having failed in its duty of prevention, the international community should contribute to the rebuilding of Rwanda.

23. The representative of Senegal drew the attention of Commission members to two changes to be made in the resolution. Firstly, in paragraph 9, the words "strengthening the Military Prosecutor's office" were to be replaced by "strengthening military justice". Secondly, in paragraph 30, which contained the draft decision recommended to the Social and Economic Council, it was preferable to repeat the exact terms of the Commission's resolution 1997/66 to describe the mandate of the Special Representative, namely "to make recommendations on how to improve the human rights situation in Rwanda, to facilitate the creation and effective functioning of an independent national human rights commission in Rwanda, and further to make recommendations on situations in which technical assistance to the Government of Rwanda in the field of human rights may be appropriate".

24. The co-sponsors asked for the draft resolution to be adopted by consensus.

25. Mrs. KLEIN (Secretary of the Commission) announced that Australia, Canada, the United States of America, New Zealand and Switzerland had agreed to co-sponsor the draft resolution.

26. Mr. COMBA (Secretariat) said that the decision to prolong the mandate of the Special Representative by one year would have financial consequences. The sum of US$ 1.3 million needed to finance the activities of the Special Representative in 1998 and 1999 had been included in Section 22 of the current programme budget.

27. Mr. BUCHAN (Canada) said that his delegation was happy to sponsor the draft resolution, which struck a careful balance between the need to continue monitoring the human rights situation in Rwanda and the need to support the efforts of the Government of Rwanda. Commending the delegations that had taken part in negotiations, particularly the delegation of Rwanda, for their constructive approach, his delegation was confident that the same constructive spirit would prevail during discussions between the Office of the High Commissioner for Human Rights and the Government of Rwanda concerning the Human Rights Field Operation in Rwanda.

28. Draft resolution E/CN.4/1998/L.101, as amended, was adopted without a vote.

Draft resolution E/CN.4/1998/L.104 (Situation of human rights in Equatorial Guinea and assistance in the field of human rights)

29. Mrs. DIALLO (Senegal), on behalf of the African Group, introduced draft resolution E/CN.4/1998/L.104, which had been accepted by all parties and which particularly emphasized the progress made by the Government of Equatorial Guinea in the field of protection and promotion of human rights. The positive measures already taken encouraged the hope that the Commission would direct its activities towards the establishment of a genuine technical assistance programme to help the country definitively establish a viable democratic system. The African Group asked that the draft resolution be adopted by consensus.

30. Mrs. KLEIN (Secretary of the Commission) announced that the United States of America was co-sponsoring the draft resolution.

31. Mr. COMBA (Secretariat) said that the decision to prolong the mandate of the Special Rapporteur by one year would have financial consequences. The sum of US$ 96,200 needed to finance the activities of the Special Rapporteur during 1998 and 1999, was already included in Section 22 of the current programme budget.

32. Draft resolution E/CN.4/1998/L.104 was adopted without a vote.

Draft resolution E/CN.4/1998/L.91 (The question of human rights in Afghanistan) (continued)

33. Mr. TOSCANO (Italy) announced that following consultations with all the interested delegations it had been possible to reach a consensus on two changes, to paragraph 3 (b) and (c), which now read as follows:

> "(b) The frequent practice of arbitrary arrest and detention and of summary trials, which have resulted in summary executions, throughout the country, including the recent public executions of male convicts which were carried out by burying the victims alive;
>
> (c) Actions by all parties that constitute interference with the delivery of humanitarian assistance to the civilian population of Afghanistan and which jeopardize the safety of humanitarian personnel, such as the blockade of the Bamyan region and the bombing of the Bamyan

airport, as well as the looting, particularly by elements of the Northern Alliance, on a massive scale of United Nations and other warehouses and offices in Mazar-e-Sharif;".

34. The new draft resolution E/CN.4/1998/L.91, thus amended, was adopted without a vote.

Draft resolution on the question of human rights in Cyprus

35. The CHAIRPERSON proposed that the Commission adopt the following draft decision:

"At its 57th meeting, on 21 April 1998, the Commission decided, without a vote, to retain on its agenda item 10 (a), entitled 'Question of human rights in Cyprus', and to give it due priority at its fifty-fifth session, it being understood that action required by previous resolutions of the Commission on the subject would continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation."

36. The draft decision was adopted.

The meeting rose at 3.55 p.m.